S.B. CIVIL WRIT PETITION NO.2943/2007

Smt. Santosh Nagar
Vs.
State of Raj. & Ors.

DATE OF ORDER : 22.5.2007

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri Satish Pachori for the petitioners.

In this petition, the petitioner seeks direction upon the respondents to provide all reports of private investigations and further to consider the police inquiry report and accordingly prayed that the respondents be directed to pay accidental death benefits of husband of the petitioner and that further direction be issued to respondent Cholamandalam, a private insurance company, to pay all maturity amount to the Birla Housing Finance

Limited, and further direction to the finance Company, not to dispossess the petitioner from the house.

Learned counsel for the petitioner admitted during the course of hearing that a civil suit is also pending regarding the same subject matter in which the petitioner has sought declaration to the effect that the death of the husband of the petitioner was accidental and that the respondents are unduly denying the maturity claim of his insurance policy.

I am of the considered view that the present matter involves disputed questions of fact which can be better adjudicated by the civil court, and when the same subject matter is pending adjudication before the civil court, the

writ petition may not be an appropriate remedy to entertain. If necessary, the petitioner can pray for desired relief to that court and if necessary, also make prayer for amendments in the pleadings.

With the aforesaid observations, the writ petition is disposed of.

(MOHAMMAD RAFIQ),J.

Skant/-